

# Notice of Allowability

## Application No.

10/699,950

## Examiner

Michael Trettel

## Applicant(s)

HEIMBROCK ET AL.

## Art Unit

3673

### -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 11/03/2003.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 03 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

### THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 02/09/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

Michael Trettel  
Primary Examiner  
Art Unit: 3673

*Reasons For Allowance*

The following is an examiner's statement of reasons for allowance: Claim 1 recites the use of elevation pedals adjacent both of the first and second sides of the lower frame of a patient support apparatus, and also adjacent only one end of the patient support apparatus. This particular arrangement of elevation pedals is not shown or suggested by the prior art of record. The use of elevation pedals on one or both sides of a patient support apparatus such as a gurney is well known in the art, see for example the cited patents to Koetter (3,739,406), Buiskool et al (6,230,343 B1) or Failor et al (4,489,449) for examples of such. It is also known to place elevation pedals at both ends of a gurney, such as the arrangement shown by Hines (4,723,808). It is further known in the art to place at least a single set of control pedals at one end of a gurney or invalid bed, such as is shown in the cited patents to Dietrich et al (5,402,543), Stryker (3,304,116), Pioth (4,175,783), and Prum et al (3,222,693). There is no suggestion in the art though to combine these teachings of placing elevation or control pedals upon a patient support apparatus into a particular arrangement of elevation pedals on both sides of the device and also on only one end of the device. Absent such a teaching or suggestion the claims are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fullenkamp et al (5,348,326) shows a fifth wheel arrangement for use upon a wheeled carrier platform. Stryker et al (5,069,465) and Reeder ((5,388,294) show push handle arrangements for gurneys that are of general interest. Heimbrock et al (6,016,580 and 5,806,111) show two of the earlier patents based upon the material common to this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
Michael Trettel  
Primary Examiner  
Art Unit 3673